

United States District Court

District of New Hampshire

J. KRIST SCHELL

Plaintiff,

vs.

THOMAS W. KENT

Defendant

Civil Action No. 1:06-cv-425-JM

**THOMAS KENT'S MOTION FOR RECONSIDERATION  
BASED ON THE FILING OF A MISLEADING AFFIDAVIT  
AND FOR CLARIFICATION**

NOW COMES Defendant Thomas W. Kent ("Kent"), by and through his attorneys, Clauson Atwood & Spaneas, and pursuant to the Local Rule 7.2(e), hereby requests reconsideration of the Court's current order based on the Plaintiff's filing of a fraudulent affidavit and for clarification of the Court's current rulings, and in support thereof, respectfully says as follows:

1. Plaintiff moved for summary judgment based in part on the affidavit of Edward Myslik, the creditor for whose debt Plaintiff claims indemnification (Doc. 19-4).
2. Mr. Myslik's attached second affidavit states that this first affidavit was inaccurate and incomplete, and the result of pressure by Attorney Strock, who owed Mr. Myslik money.
3. In addition, Mr. Myslik's attached second affidavit expressly acknowledges that in 2003 he released Plaintiff's liability and Kent's liability on their Guarantee.

11/18/08  
Denied as untimely,  
and largely unhelpful,  
See FR 7.2(c)(5).  
James R. Muirhead